

REMARKS

The Office Action dated November 12, 2009, has been received and carefully considered. In this response, claims 1-9 and 13-28 have been cancelled without prejudice. No new matter has been added. Cancellation of claims 1-9 and 13-28 without prejudice is respectfully requested. Reconsideration of the pending rejections in the present application is also respectfully requested based on the following remarks.¹

I. THE INDEFINITENESS REJECTION OF CLAIMS 1-9 AND 13-28

On page 2 of the Office Action, claims 1-9 and 13-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. This rejection is hereby respectfully traversed with the cancellation of claims 1-9 and 13-28 without prejudice.

In view of the foregoing, Applicant respectfully requests that the aforementioned indefiniteness rejection of claims 1-9 and 13-28 be withdrawn.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-9, 13-20, 22, 23, 27, AND 28

On pages 2-3 of the Office Action, claims 1-9, 13-20, 22, 23, 27, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Matsuzaki et al. (U.S. Patent No. 5,534,031). This rejection is hereby respectfully traversed with the cancellation of claims 1-9, 13-20, 22, 23, 27, and 28 without prejudice.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-9, 13-20, 22, 23, 27, and 28 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 21-26

On pages 3-4 of the Office Action, claims 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki et al. (U.S. Patent No. 5,534,031). This rejection is hereby respectfully traversed with the cancellation of claims 21-26 without prejudice.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 21-26 be withdrawn.

IV. CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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